IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4479 OF 2004

Shri Bapu Kirshna Kadam, since
deceased by his heirs
1. Rangrao Bapu Kadam & Ors. ..Petitioners.

Versus

State of Maharashtra & Anr. ..Respondents.

Mr.P.R. Arjunwadkar for the Petitioners.
Mr. V.B. Rajure for the Respondent No.2.

CORAM : S. A. BOBDE, J.
DATED : 20TH SEPTEMBER, 2005.

P.C.:

1. Rule returnable forthwith.

. Mr. Rajure, Advocate, waives service of Rule for Respondent No.2.

. Heard by consent.

2. The petitioners' predessor was a tenant. He sold the tenanted land to the respondent No.2 in the year 1980. A mutation entry in regard to the said transaction was effected in favour of the respondent No.2. Apparently, after a gap of 10 years, the A.L.T. initiated suo moto proceedings, questioning the validity of the transaction and eventualy came to the conclusion that the transaction is annulled.

3. It appears that pending appeal, the petitioners' predecessor Shri Bapu Kirshna Kadam had expired. This was not noticed by the appellate court which dismissed the appeal. Thereafter, the respondent No.2 carried the matter by way of revision before the Maharashtra Revenue Tribunal. The Maharashtra Revenue Tribunal, relying on the decision of the Supreme Court reported in (1977) 6 S.C. Cases -71, set aside the initiation of the proceedings under section 84(C-1) on the ground that they were inordinately delayed. This court has also taken a view that suo moto powers should be exercised within a reasonable time, vide Shridhar Damodar vs. Sonu Gunaji 2003 (2) Mh. L.J. 41 and Smt. Radhabai Balkrishna Deshpande vs. Babu Dhondu Shewale, 2000(4) All MR 120. The Maharashtra Revenue Tribunal has, therefore, upheld the validity of the transaction made by the petitioner in favour of the respondent on that count. The order of the Maharashtra Revenue Tribunal is in accordance with law. There is no error of law apparent on the face of the order.

4. The petition is dismissed.

DT.20.09.05 (S.A.BOBDE,J)

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